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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-------------------------------|---|---------------------|
| In re patent application of: |) | |
| |) | Before the Examiner |
| Thomas Zdeblick, M. D. et al. |) | |
| |) | D. Isabella |
| Serial No. 08/411,017 |) | |
| |) | Group Art Unit 3308 |
| Filed March 27, 1995 |) | |
| |) | March 28, 1997 |
| INTERBODY FUSION DEVICE |) | |
| AND METHOD FOR |) | |
| RESTORATION OF NORMAL |) | |
| SPINAL ANATOMY |) | |

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TERMINAL DISCLAIMER IN APPLICATION

Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

I, Michael D. Beck, patent counsel for Danek Medical, Inc., a Tennessee corporation with a principal place of business at 1800 Pyramid Place, Memphis, Tennessee 38132, Shelby County, represent and certify that it is the assignee of record of the entire right, title and interest in patent application serial no. 08/411,017, filed on the 27th day of March, 1995 for INTERBODY FUSION DEVICE AND METHOD FOR RESTORATION OF NORMAL SPINAL ANATOMY by way of an Assignment recorded with the U.S. Patent and Trademark Office on May 1, 1995, Reel 7468, Frame 0855 and of pending U. S. patent application serial no. 08/413,353, filed March 30, 1995, entitled INTERBODY FUSION DEVICE AND METHOD OF RESTORATION OF NORMAL SPINAL ANATOMY by way of an Assignment recorded on May 1, 1995, Reel 7464, Frame 0394, and that I am empowered to act on behalf of the assignee.

Assignee hereby disclaims the terminal part of any patent granted on application serial no. 08/411,017, which would extend beyond the expiration date of any patent granted on application serial no. 08/413,353, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to any said patent shall be the same as the legal title to any patent granted on serial no. 08/413,353, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantees, their successors or assigns.

The evidentiary documents by which the Assignee claims title have been reviewed and I hereby certify that, to the best of my knowledge and belief, title is in the Assignee seeking to take the action.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Enclosed is \$110.00 as payment of the fee for a disclaimer (37 CFR §1.20(d)).

DANEK MEDICAL, INC.

By: Michael D. Beck
Michael D. Beck, Esq.
Patent Counsel